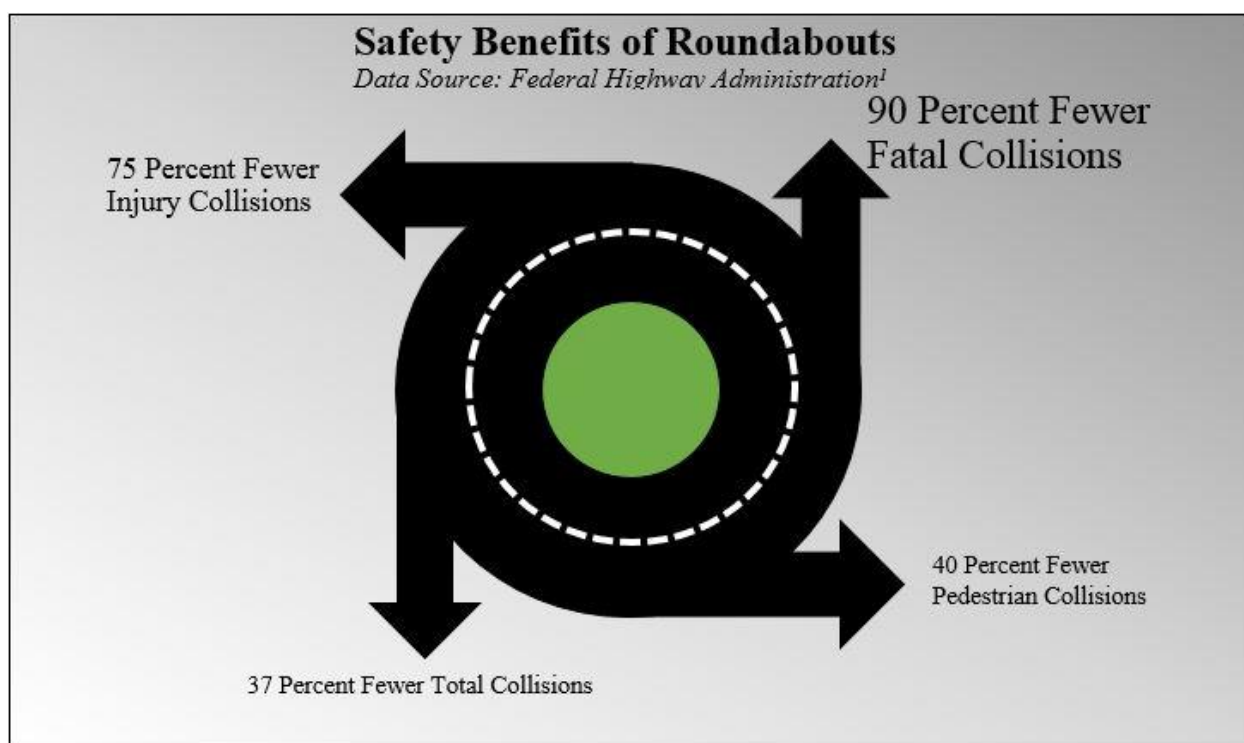


## Meeting Summary

**Agency:** State Highway Administration (SHA)

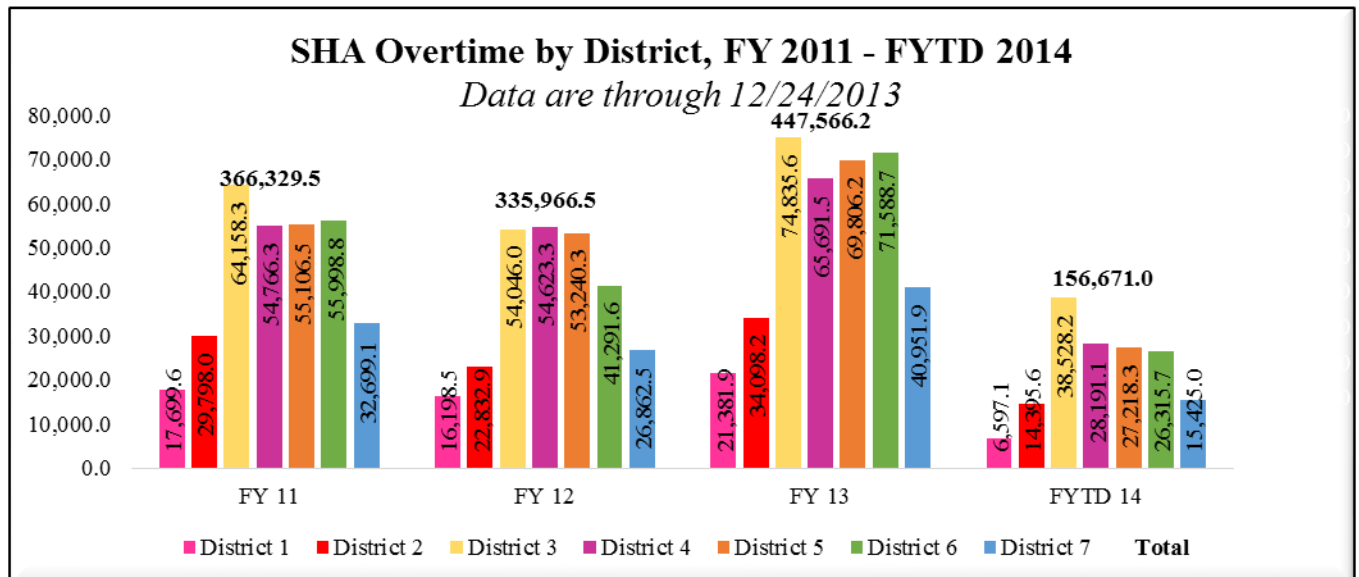
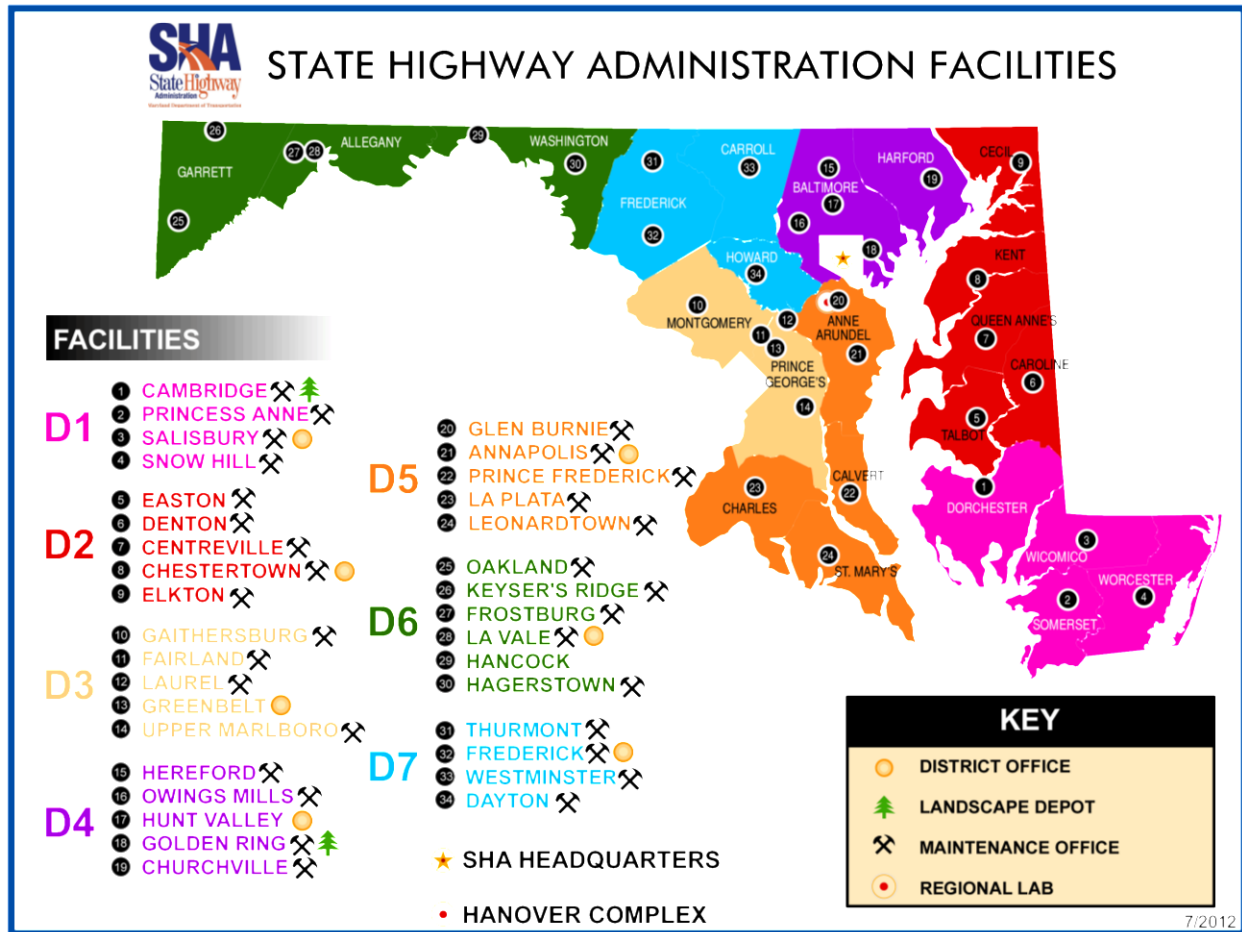
The following is a summary of the issues that were discussed at the SHA Stat on February 26th, 2014. Analysis is provided by StateStat.

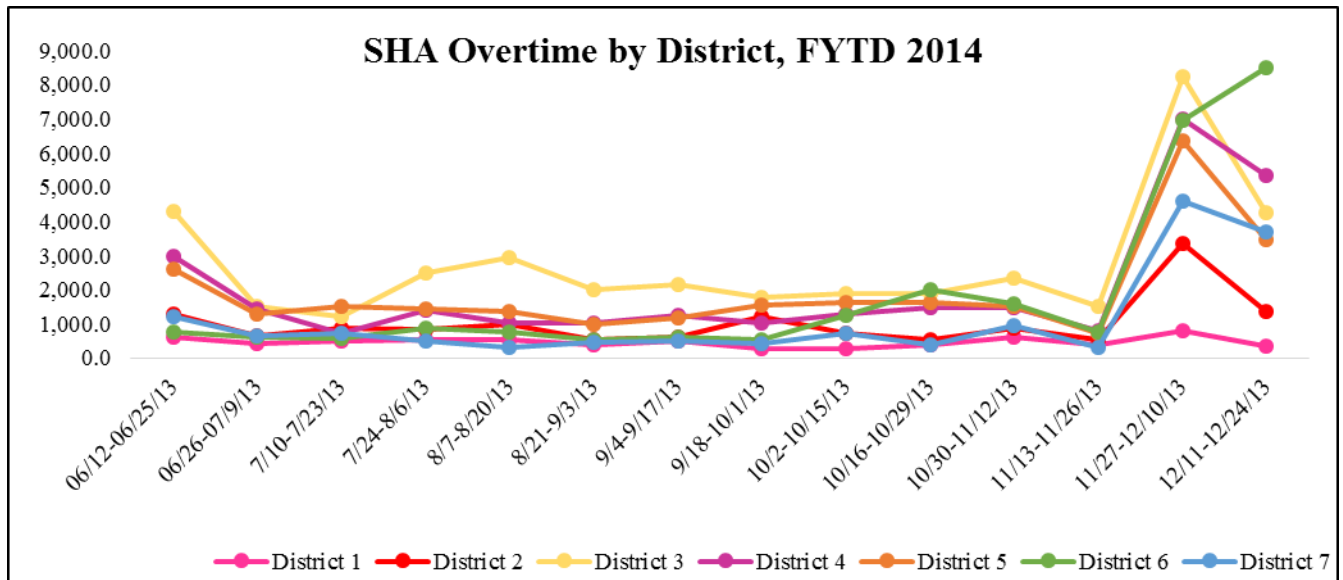
- MD State Highway Administration Using Roundabouts to Improve Highway Safety.**  
 Maryland is a national leader in installing of safety enhancing traffic roundabouts according to the State Highway Administration. Roundabouts significantly improve safety; Maryland's first roundabout, installed in 1993 in Howard County, has seen a 75 percent decrease in accidents since its installation. Prior to its installation, the intersection at MD 94 and MD 144 averaged approximately eight police-reported accidents a year. With the roundabout, the intersection averages only two police-reported accidents a year. Today, Maryland has 73 roundabouts throughout the state.
- The Federal Highway Administration reports that roundabouts drive down fatal collisions 90 percent and collisions causing injuries 75% compared to traditional intersections. Roundabouts also improve pedestrian and bicyclist safety.



- February 2014 had 8 Storm Activations.** SHA had spent over \$111 million on winter operations, prior to the winter event of February 25<sup>th</sup> to 26<sup>th</sup>. In February, Maryland received 18 to 30 inches of snow total, depending on location. SHA Social media clickthroughs increased in January and February as a result of the snow, SHA reported. February had 43,000, compared to 2,500 in an average month.

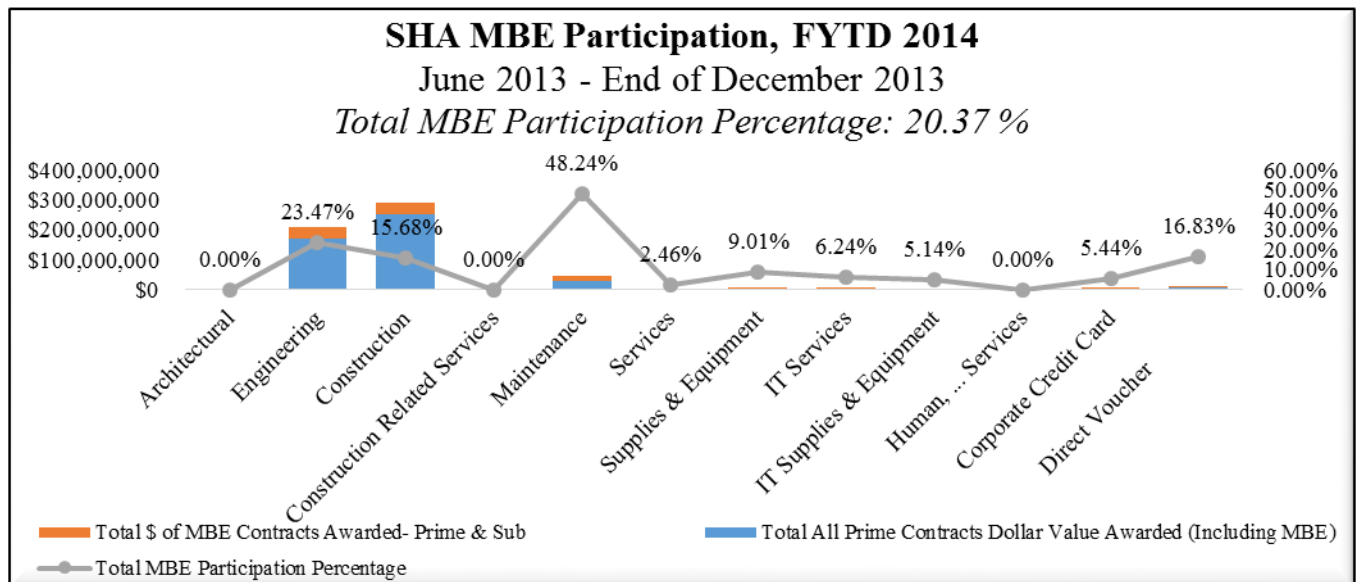
- The public can report a pothole online or through a phone hotline. SHA's internal goal is to respond to pothole filling requests within 48 hours, identifying the issue within the first 24 hours and fixing the pothole in the second 24 hours. Director Power raised the possibility of tracking pothole filling as a StateStat statistic. Director Power thanked SHA for their great work during the past month responding to the numerous winter events.
- **Winter Budget Could Set New Record.** When SHA goes over its winter budget, the funds come from the Transportation Trust Fund, the agency reported. Director Power asked what programs are negatively affected, admitting that this isn't a direct SHA decision (DBM and MDOT have more control). Director Power asked what SHA's priorities are for where to reduce funding.
- SHA responded by first putting this winter's budget into historical context. SHA's five-year winter average is approx. \$70 million. Next year's budget is \$51 million; this year's is \$46 million; the budget increases by \$5 million each year. SHA coordinates with MDOT's Director of Finances, throughout the winter. This winter SHA is trying to use federal funds to cover its funds over-budget. Administrator Peters will send periodic emails to MDOT's Director of Finances, informing him that more funds are required. 2010 reached \$126 million in winter budget; therefore it is possible this winter will be the most costly ever for SHA. One factor this year has been that many winter events have been on nights and weekends. SHA can't roll over its contingent funds year to year, the agency reported. Administrator Peters noted that all the other modes have seen increased winter spending this year, not just SHA. SHA's dollar amount is the highest out of MDOT's modes, however.
- **SHA's Winter Overtime Expenditures.** SHA expects that February will show a large increase in overtime usage. Director Power asked why DBM's policy is to pay double for SHA employees during state government closures. This is a statewide policy for all essential employees, SHA responded. Director Power pushed back, stating that the nature of an essential job is that one is required to work during closures; no additional pay should be required. Double-pay does not happen on liberal leave days, SHA clarified. Time worked over 8 hours in a normal day (i.e., a day when state government is not closed) has pay earned at a 150 percent rate after the first 8 hours. SHA had to work to close timesheet reports during closure days, causing payroll employees to themselves earn OT while processing timesheets.





- Minority Business Enterprises Awards Below Target.** According to SHA's most recent Minority Business Enterprises report, containing data for the first half of Fiscal Year 2014 (July through the end of December 2013), out of dollars awarded for contracts so far this fiscal year, 20.37 percent has gone to MBE-certified businesses. While this rate is an improvement upon FY13's rate of 16.54 percent, it is still less than the statewide MBE goal of 29 percent. SHA is doing better in FY14 than FY13 for MBE award percentages.
- Small Business Reserve Awards Meeting Target.** GOMA's full analysis of SHA's MBE and Small Business Reserve (SBR) participation is shown in the table below. SHA awarded 18.98 percent of contract funds to SBR businesses last quarter, exceeding the goal of 10 percent. A&E has been driving SHA's MBE awards. GOMA suggested and reiterated that SHA not put all its MBE awards in the A&E basket. Last year's MBE awards and goals were narrow in scope, GOMA reported. GOMA pointed to IT awards in particular as a domain with room for improvement. GOMA suggests that SHA make public, online, more information about each project, specifically the project specs. GOMA wants project specs and info about whether there is a payment bond available for the project, to be made available on SHA's website in pdf form. Currently receive spec books, a business has to request it from their local SHA office.
- StateStat, the Office of Certification (at MDOT), and GOMA are working to identify emerging markets and ensure that businesses therein can easily become MBE certified. StateStat, MDOT, and GOMA will analyze the geography and economy (i.e., sectors covered) of these markets and identify opportunities to expand the reach of MBE certification for the next stat. SHA updates its advertisement schedule every month for upcoming projects. SHA will make sure that the advertising schedule is sent to MBE and the Office of Certification as soon as the information is posted each month. SHA has been working on setting up an online bidding process to facilitate SBR and MBE certified business participation. It will be necessary to train businesses on how to bid online before the electronic bidding site is live, SHA reported.

- GOMA Receiving Complaints on Excessive SHA Bonding for Non-Construction Contracts.** GOMA reported on February 24<sup>th</sup> that it has received “numerous” complaints from MBE firms and small businesses regarding excessive bonding for SHA non-construction contracts. Stringent bonding requirements serve as barriers for small, minority and women-owned firms to participate in State procurement, according to GOMA. GOMA has made SHA aware of the issue. SHA reported that it is changing open ended and construction maintenance contracts to require bonds on a year by year basis, as opposed to a single bond for the length of a project, e.g., a four year bond for a four year project, as per currently policy. SHA reported this change can be changed through internal policy only. SHA is determining how to do this, through their Office of Procurement.
- COMAR requires that construction contracts over \$100 million be bonded, but there is no requirement for maintenance contracts.** Some contracts which GOMA thinks are Maintenance have been bonding at SHA, e.g., maintenance of drainage, routine repairs, routine signal work, which GOMA reports are currently classified as Construction. Director Power responded that all Capital projects should count as Construction. SHA Administrator Peters said that GOMA can help MBE businesses apply for bonding. SHA thinks that signal maintenance should continue to count as construction, because SHA’s maintenance often involves constructing an entirely new signal. GOMA and SHA will continue to coordinate their Attorneys General to determine what counts as Maintenance and what counts as Construction.
- The agency’s and the Governor’s Office’s main goal is to have more MBE businesses able to apply for bonds, according to Director Power. He asked how SHA performs outreach on bonding to MBE businesses. GOMA works with MBE businesses to do this, GOMA reported. Part of the problem is that small businesses are not able to apply for large bondings. As a follow up item SHA will explain why the percentage of MBE awards for IT was very low, 6.24 and 5.14 percent for the two IT categories, as seen in the chart below.



### GOMA Analysis of SHA's MBE and SBE Participation, FYTD 2014 (through 12/31/2013)

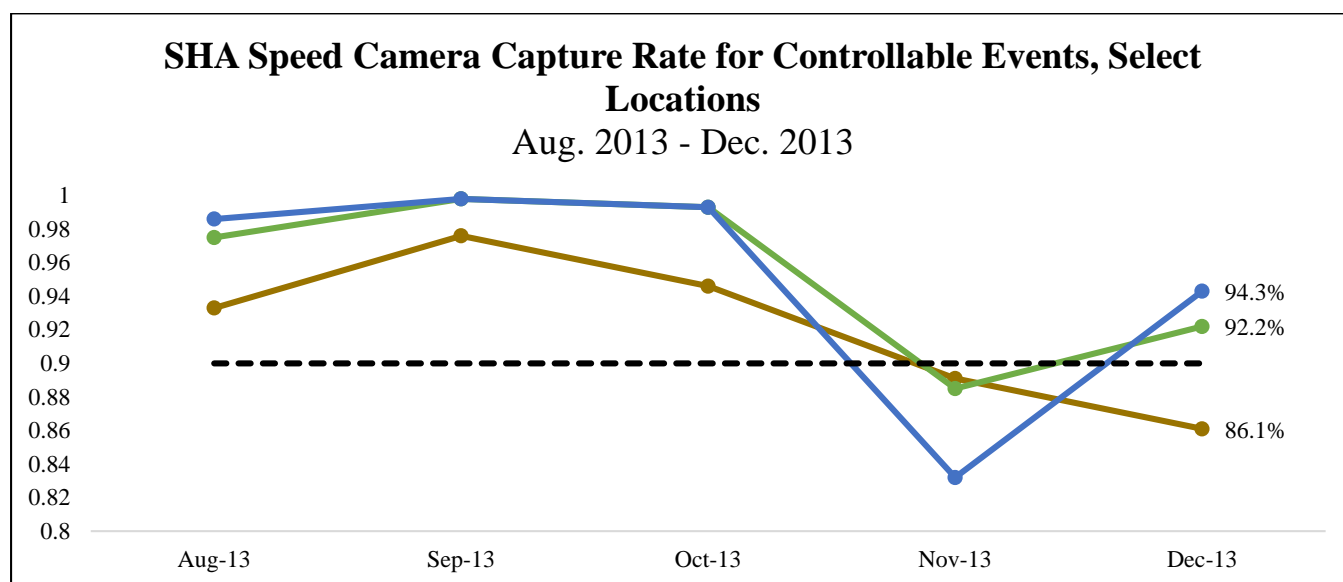
- MBE Participation.** SHA's MBE cumulative participation as of December 31, 2013 is 20.37%. This is an increase compared to its MBE participation of 16.54% for FY13 but lower than its FY12 participation of 20.85%. For FY14, there are many areas with high MBE availability that have lower than average participation. For example, SHA only has 15.68% in construction, 23.47% in engineering, 6.24% in IT services and 2.46% in services.
- Small Business Reserve.** In its Small Business Reserve (SBR) quarterly report (for the period ending December 31, 2013), SHA has reported that \$31.2 million or 18.98% in payments have been made to certified small businesses. In terms of percentage, this is an increase from FY13 (16.99%) and FY12 (17.63%). The SBR Program can only be applied to State-funded contracts. For USDOT-funded contracts, the SBE Program applies.
- SHA Explains Speed Camera Capture Rates Below Target for November.** As discussed at the previous stat, in November the capture rate for controllable events for Automate Speed Enforcement (ASE) cameras fell below the agency-set goal of 90 percent, at 3 camera sites. SHA reached out to the vendor for explanations, shown in the table below. The agency noted in its responses to follow up questions from the previous stat that despite the lower Automated Speed Enforcement capture rate at these three locations, the program-wide controllable issuance rate was 94.46 percent for the month of November 2013. This is higher than the 90 percent threshold, below which the vendor is assessed liquidated damages. The vendor is aware of the lower capture rate at these locations and has taken action, according to SHA. The vendor has identified the cause of the errors and is providing refresher training to employees. The vendor plans to initiate personnel actions if employees continue to commit these errors. Director Power asked SHA for more details on what action the vendor is taking for personnel errors. SHA reported its employees who sit in vehicles with each camera, because SHA requires that all cameras must be manned. So a camera will have an operator sitting in the car, and a staff member who turns it on each morning. These are sometimes the same person and sometimes different people. The vendor is performing additional training with the SHA staff responsible for the cameras with low capture rates.

### SHA Explanations for Three Speed Cameras Below Target in November

- Camera 1** (89.1 percent Controllable Issuance Rate): There were a total of 57 controllable rejects out of a total of 524 possible citations. Of the 57 controllable rejects, 33 were categorized as Error – Operator; all of which occurred on 11/26/13 due to the operator entering the wrong deployment location.
- Camera 2** (88.5 percent Controllable Issuance Rate): There were a total of 215 controllable rejects out of a total 1870 possible citations. Of the 215 controllable rejects, 205 were categorized as Equipment Malfunction with 187 of these occurring on 11/15/13 due to the deployment log not being able to be generated during the data download

process. The database is set up to prevent any violations from being issued without the deployment log present. As a result these events were rejected.

- Camera 3 (83.2 percent Controllable Issuance Rate):** There were a total of 188 controllable rejects out of a total of 1118 possible citations. Of the 188 controllable rejects, 93 were categorized as Equipment Malfunction (76 of these rejects occurred on 11/15/13 due to the deployment log not being able to be generated during the data download process). The database is set up to prevent any violations from being issued without the deployment log present. As a result these events were rejected. Additionally, 76 of the 188 controllable rejects were categorized as Error – Operator; all of which occurred on 11/20/13 due to the operator entering the wrong deployment location.

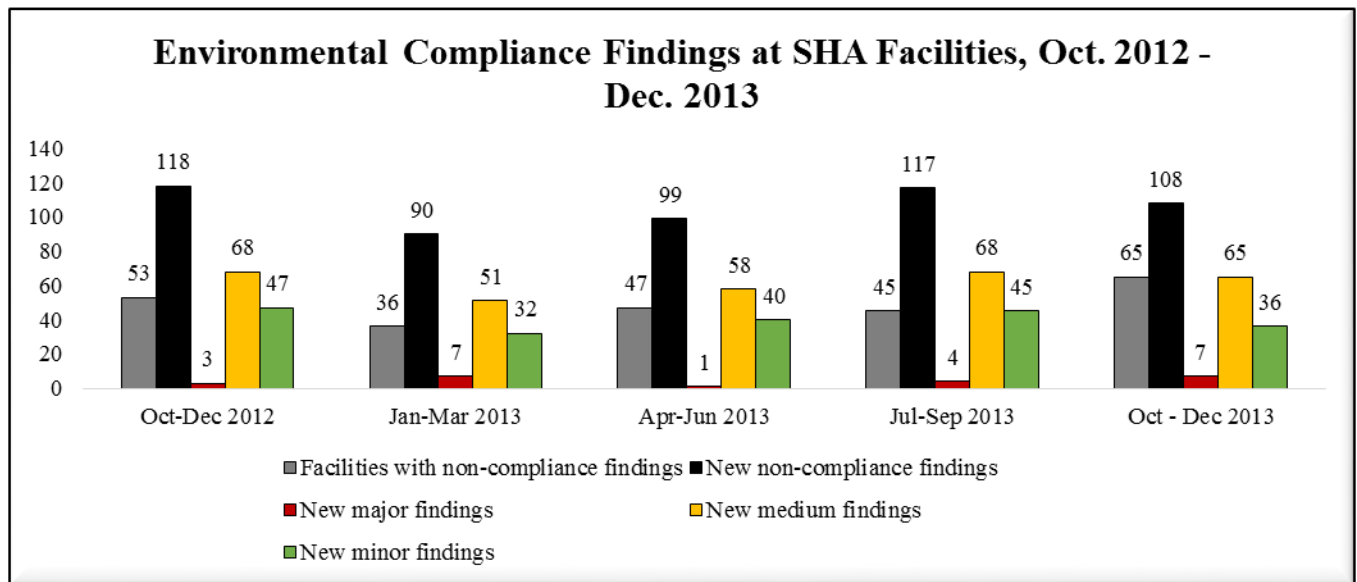


- SHA Addressed More Environmental Non-Compliance Findings in Q4 than Q3.**  
 MDOT's Office of Environmental Programs (OEP) performs audits on SHA facilities every month. A concern was raised at the previous stat that Q3 data for CY2013 (i.e., data from August to October 2013) showed an increase in non-compliance findings, and a decrease in the number of findings addressed. SHA stated at the previous stat that this was due to an increase in the number of total inspections performed in Q3. SHA was asked to provide data on the number of inspections performed.
- This information is shown in the graphs below, verifying that the Office of Environmental Programs drove up the number of inspections performed in Q3, as well as in Q4. The increase in the number of inspections is due to the introduction of new facilities into the inspection program, according to SHA's follow up responses. The fluctuation in the number of inspections per quarter is due to varying inspection frequencies; some facilities are only inspected twice a year.
- Comparing the number of inspections performed to the number of non-compliance findings, SHA is receiving fewer findings per inspection than in previous quarters. This rate fluctuates quarter to quarter due to the variation in the number of inspections performed, as noted

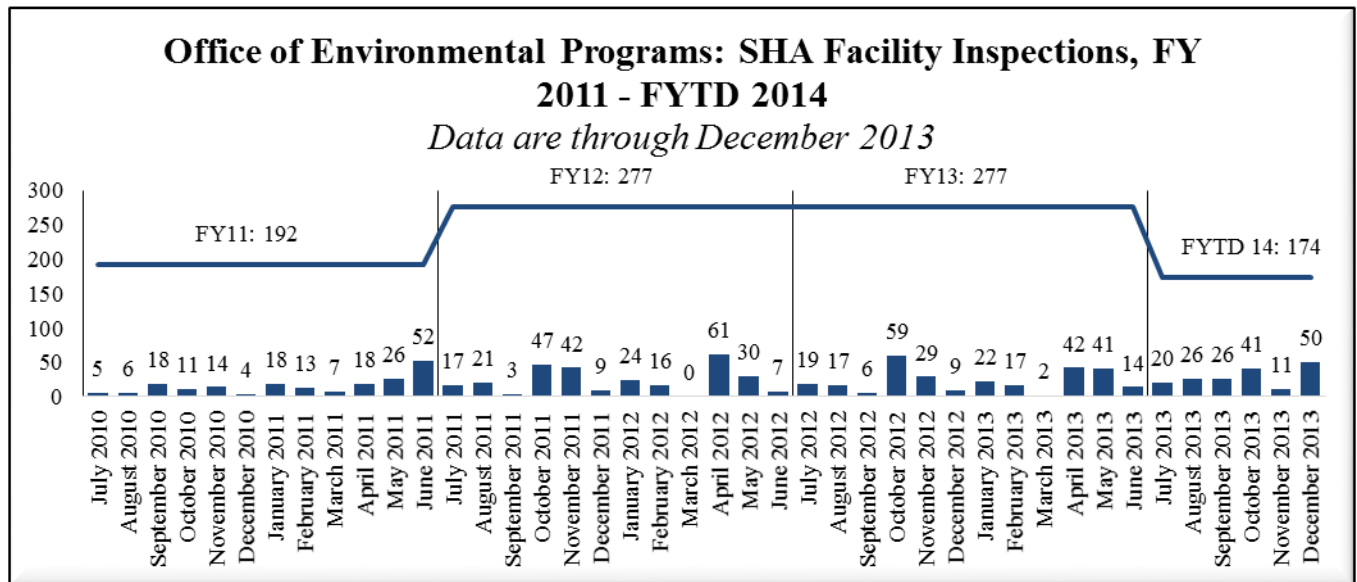


above. However the long-term trend for the number of findings per inspection is trending downward overall. SHA does not see the number of findings per inspection as a valuable metric of environmental compliance, however, given that it OEP is tasked with prioritizing the facilities where it performs audits. SHA's audits are on its fourth phase, rolling out new facilities in each phase and moving to less risky facilities in each phase. District offices, Headquarters, weigh stations, and communication facilities were low-risk areas phased into OEP audits in the current phase, phase four. More high-risk facilities were phased in in earlier phases. Phase four is the last one, OEP reported. Moving forward high-risk sites will be inspected with the greatest frequency. If sites have underground storage tanks, however, even in low-risk areas, OEP will inspect these more often than the other facilities.

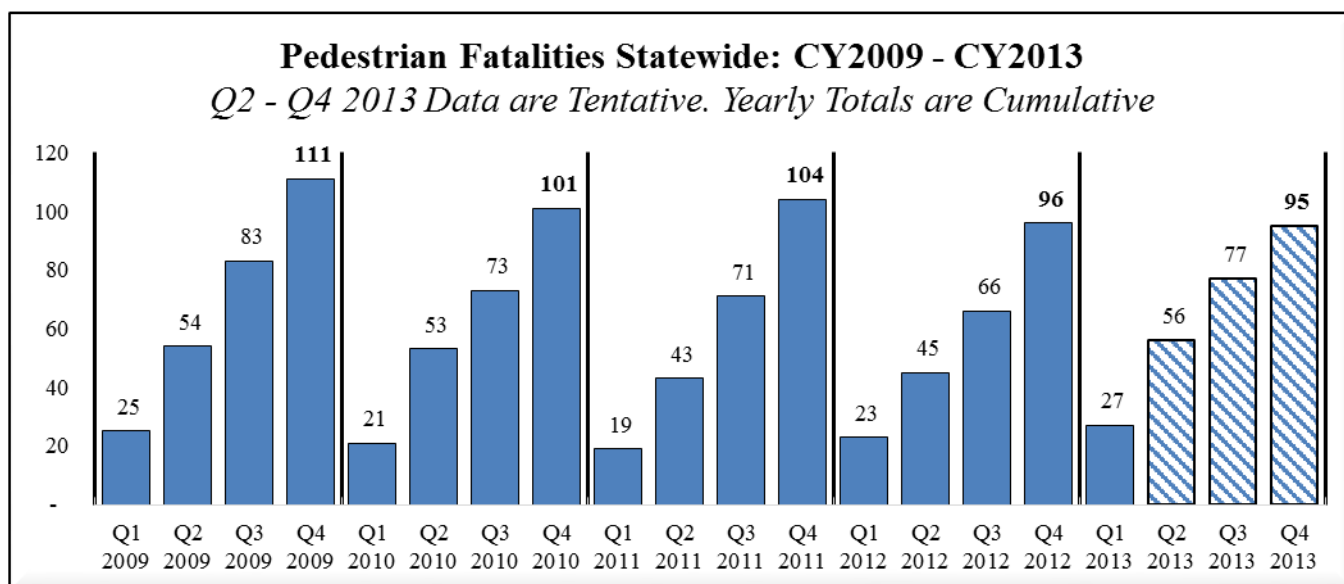
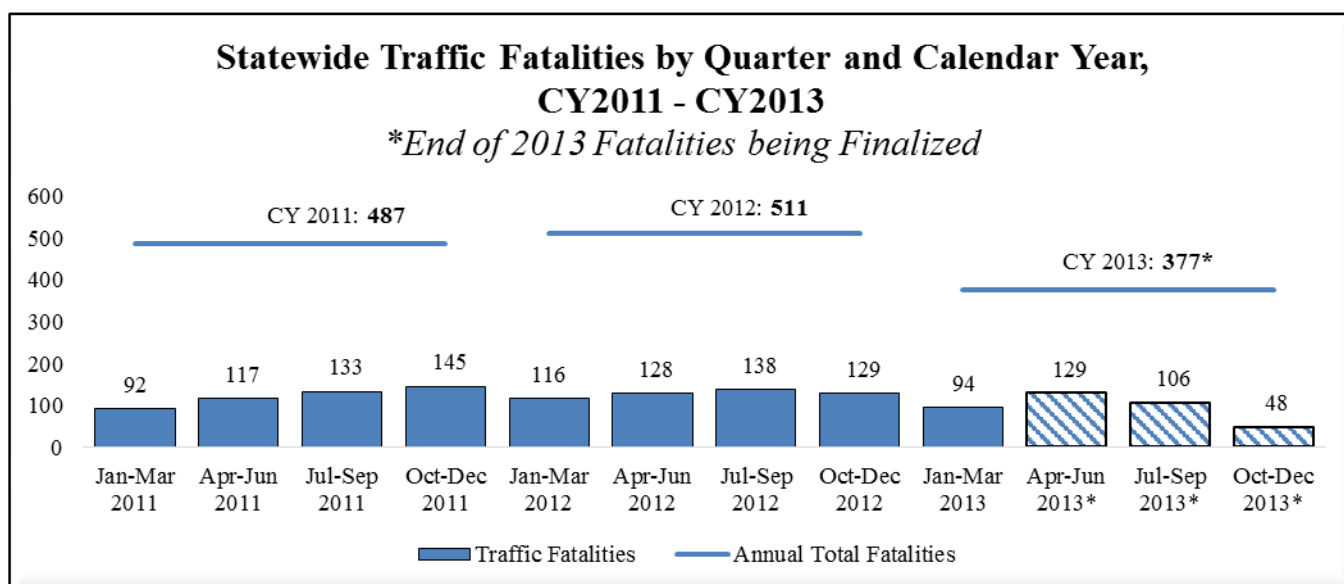
- The agency has been able to hone in on the most dangerous areas and address them over the past four of five years. This is the main indication of the inspection program's success, as opposed to measuring findings per audit. The frequency of inspection would be a more useful metric than findings per inspection, SHA suggested. The agency is considering cutting the number of inspections, so that it can perform longer, better, more frequent inspections on the relatively high-risk sites. SHA has been transitioning to have facilities' staff on-site performing inspections, or audits, routinely, instead of keeping the whole work with OEP. As a follow up item SHA should propose better metrics of OEP inspections, to begin tracking on the StateStat template.







- Preliminary Data Show no Improvements in Pedestrian Fatalities in CY 2013.**  
 Preliminary data from SHA's template show a decrease in the number of total traffic fatalities in 2013, as discussed at the previous stat. However, pedestrian fatalities, for which data are also being finalized, do not show a decrease; preliminary data show 95 fatalities compared to 96 last year. The panel should note that SHA and MSP are still in the process of finalizing fatality data for Q2 through Q4 of 2013. Overall, Maryland's rate of pedestrian fatalities is not falling as quickly as the rate of total traffic fatalities. There is a statewide traffic safety summit – with representation from MDOT Engineering, Enforcement, Education, and Emergency Management – this week. SHA and MDOT will need to update the strategic Highway Safety Plan, given that the current four-year plan is ending this fiscal year. As a follow up item, SHA will report on the outcomes of the Traffic Safety Summit, and whether the meeting informed the development of the new Highway Safety Plan.
- SHA identified an initiative called the WalkSmart campaign which is identifying intersections and roadways with opportunities for improved pedestrian safety.
- Montgomery Co. saw an increase in pedestrian fatalities in 2013 but much of this was idiosyncratic, one-off events, e.g., fatalities in parking lots, SHA reported. Statewide pedestrian fatalities had similar characteristics, with idiosyncratic events and no clear underlying causes, SHA reported.
- Director Power asked how the agency decides where to install new signals. Citizen requests, traffic accident data, new development, or a new access point can all trigger the new signal review. The determination for installing a signal versus declining to do so is a function of specific criteria for which information is gathered in the signal review.

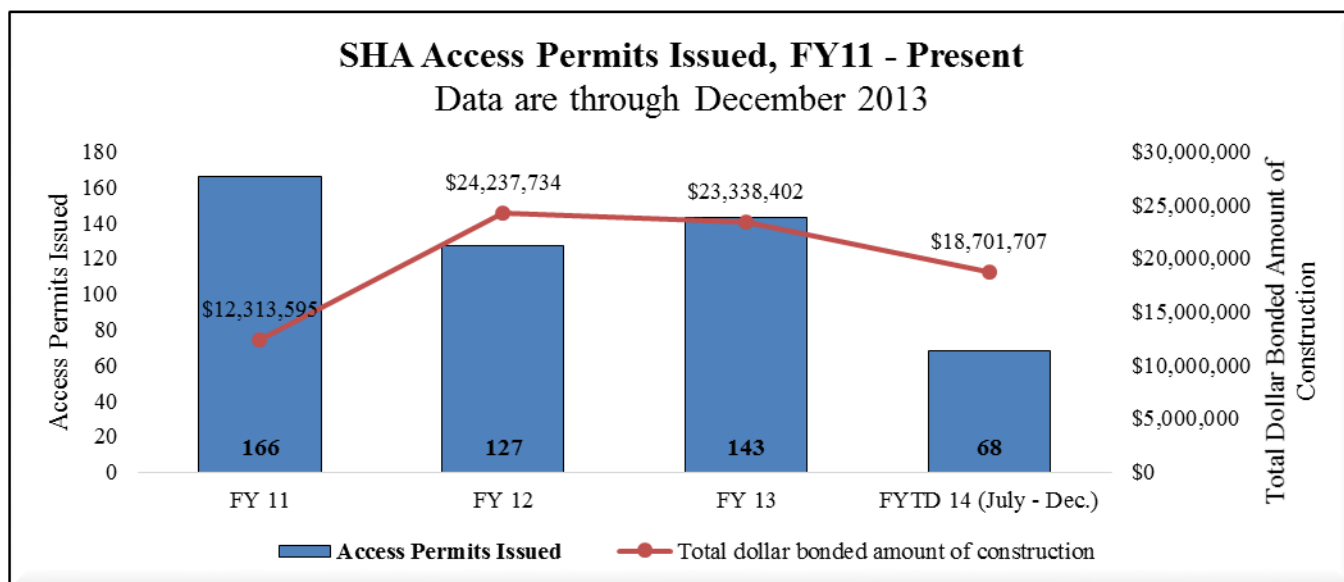
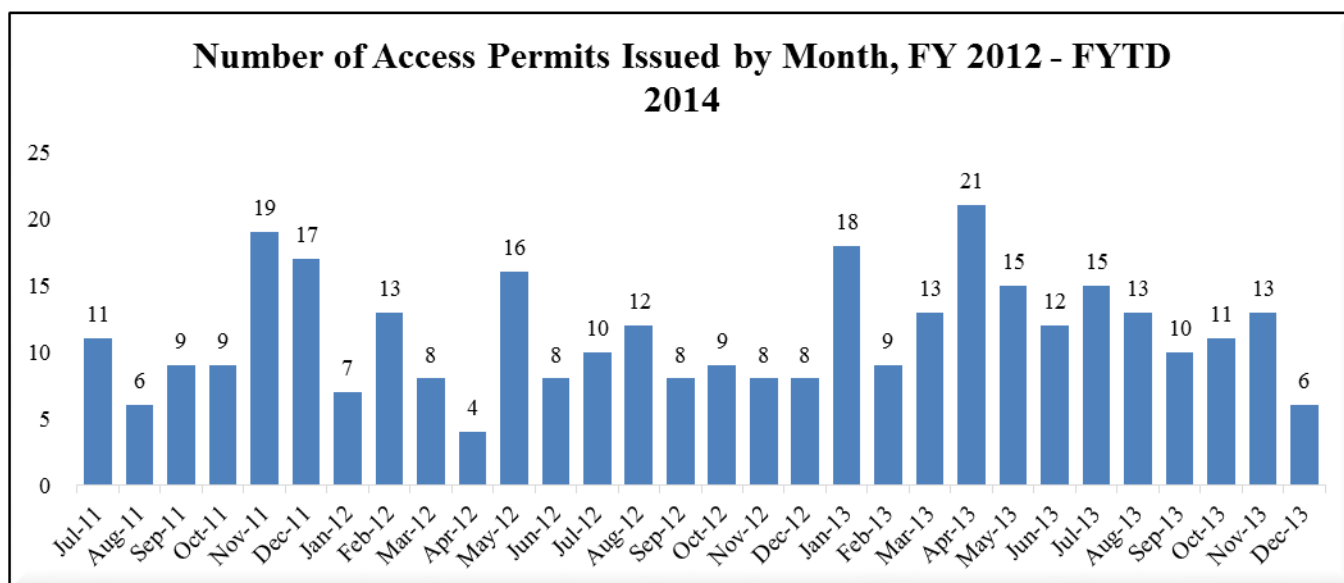


- Scenic Byways Program.** As a follow up item to the previous stat, SHA was asked to provide an overview of the future of the Scenic Byways program, explaining plans to fund the program given the lack of federal funding. The agency provided an overview and the program manager presented a PowerPoint on the future of the program's funding. SHA is attending a stakeholder meeting on March 10<sup>th</sup> to discuss how to manage the program moving forward. SHA is still hoping that funds will be unfrozen in future Congresses. The National Scenic Byway foundation is lobbying Congress to unfreeze the funds. SHA Environmental Compliance funds help to cover the lost federal funds. SHA has invested at least \$17 million in scenic byways funds to date. The program manager provided literature detailing 18 MD scenic byways, 6 of which are federally designated. The overall strategic plan for scenic byways focuses on corridor management, visitor experience, economic benefits, and livability – as well as integrity of the statewide scenic byways network.

- SHA shared its success stories literature to other states, who are now modelling similar programs off of Maryland's.

### Access Permits and Project Submittal Issuance

- **Number of Access Permits Issued Decreased in December.** SHA issued six access permits in December, the least in any month since April 2012. Average processing time in December was 14.5 days, bringing the average processing time for FYTD 2014 down to 16.8 days. December had 90 percent of access permits processed on time, i.e., within 21 days or less, according to data in SHA's templates.



- **Administrator Peters Detailed Actions Taken and Future Plans for Access Management Division.** In a February 7<sup>th</sup> memo from SHA Administrator Peters to MDOT Secretary Smith and the Governor's Office, Administrator Peters listed the steps SHA has taken in 2011, 2012, and 2013 to ensure timely turnaround for access permit applications. Administrator Peters writes "...we still have significant work to do in improving customer service." The screenshot below shows the relevant section from Administrator Peters' memo.

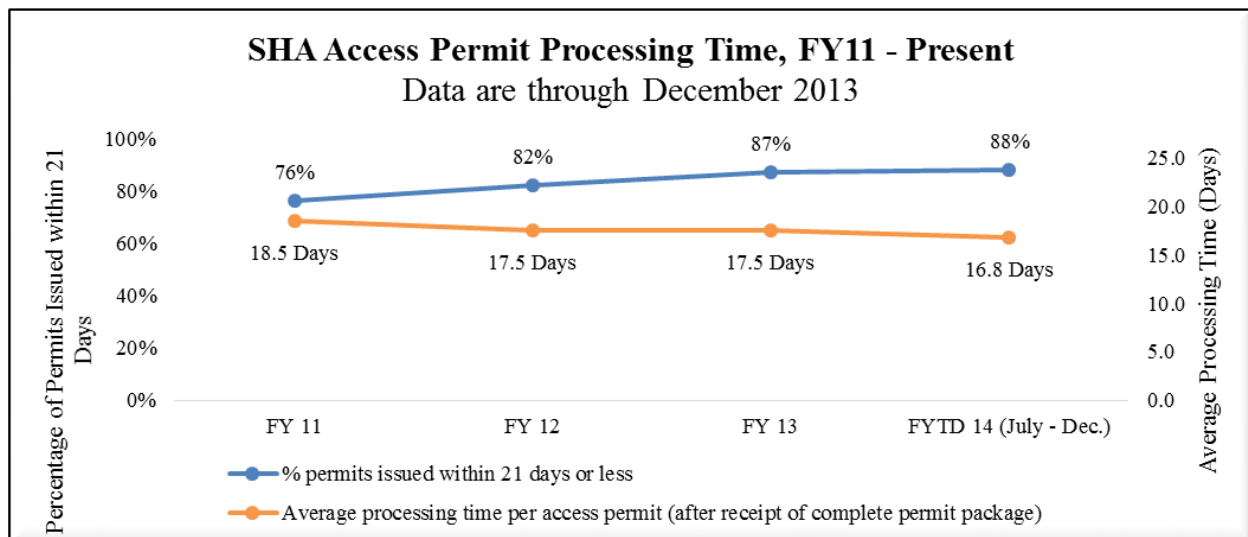
Over the last few months, several items have been adjusted to help ensure we are addressing issues and are focused on customer service. These modifications include:

- Major adjustments to the website including a direct link on the home page;
- Additional educational information about the process on the website;
- Updates to the Frequently Asked Questions (FAQ's) on the website;
- Additional oversight and reporting to the Deputy Director of Office of Highway Development, Director of the Office of Highway Development, Deputy Administrator and Administrator;
- Informational Education meetings with engineers and developers to ensure they understand the process and our guidelines;
- Informational Education meetings with Counties to discuss process improvements; and
- Meetings with Prince Georges County Government to discuss ways to improve the process.

- Communication will occur with the developer and the engineer at each step of the process. Previously, we were coordinating in most cases with the engineer who submitted the package. We have learned that this often leaves the developer out of the loop and creates communication issues between the developer and SHA. We will now require that we have the developer identified with the initial submittal.
- Memo was issued to all senior managers at SHA reminding them of the review timeframes and the need to be responsive

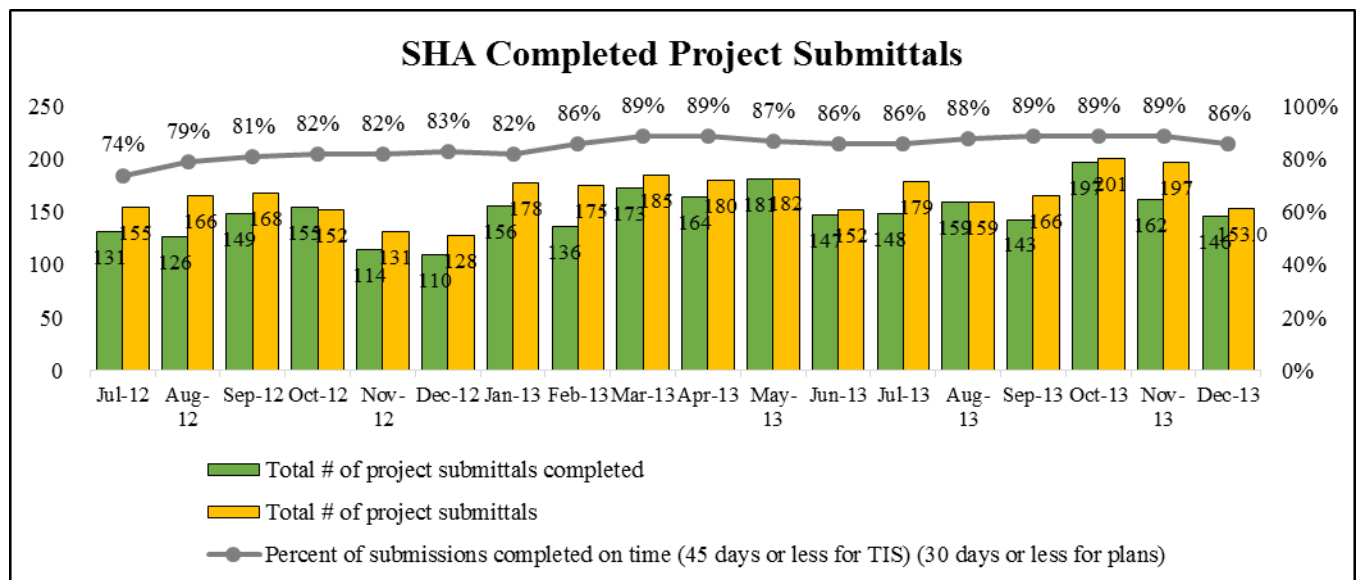
- **SHA Reworked Data Template to Better Track the Triage Process for Access Permit Applications.** In order to address concerns on the length of the triage process for access permits and for project submittals, SHA has added new metrics of customer service to its StateStat template. While 88 percent of access permits are issued within the goal of 21 days or fewer (for FYTD 2014, as of the end of January 2014) applications in the remaining 12 percent can be delayed weeks longer than this. The new data in the StateStat template will provide additional information on the triage process. A screenshot of the draft version of the new access permit issuance data is shown below. Yellow rows indicate new data series. SHA began tracking these data for February 2014. The full February data will be available in next month's (April's) data template, as per the approximately 1.5 month data reporting lag. In the previous two months SHA's staff has put significant effort into developing these new data series and pulling the requested data. StateStat will be performing an analysis on the preliminary data in the March 2014 SHA stat meeting.

Permits Issued
Number of Permit Submissions Received
Number of Access Permits Issued
Number of Projects located in Priority Funding Areas (PFA)
Total dollar bonded amount of construction
Percent of permits issued within 21 days or less
Average processing time per access permit (after receipt of complete permit package)
Total number of Type 1 Project Permit Submissions completed triage
Total number of Type 2 Project Permit Submissions completed triage
Total number of Type 3 Project Permit Submissions completed triage
Total number of all Permit Submissions completed triage
Total number of Permit Submissions completed triage within 7 days
Average Triage Time per Permit Submissions



- Data Template will also begin to Track Project Submission Triage Process.** As seen in the screenshot below, SHA is beginning to report data on 15 new metrics of project submission completion. The new data will break down by Project Plan type the number of total submissions and the number of submissions completing the triage process within 7 days. This will allow SHA and StateStat to measure the rate at which SHA is driving down the number of outstanding submittals, and to ensure that project plans and project Traffic Impact Studies (TIS's) complete triage within 7 days.

Project Submissions
Total Number of Projects with Submissions
Total number of all project submittals received
Total number of Type 1 Project TIS submissions
Total number of Type 2 Project TIS submissions
Total number of Type 3 Project TIS submissions
Total number of Type 1 Project Plan submissions
Total number of Type 2 Project Plan submissions
Total number of Type 3 Project Plan submissions
Total number of Type 1 Project TIS submissions completed triage within 7 days
Total number of Type 2 Project TIS submissions completed triage within 7 days
Total number of Type 3 Project TIS submissions completed triage within 7 days
Total number of Type 1 Project Plan submissions completed triage within 7 days
Total number of Type 2 Project Plan submissions completed triage within 7 days
Total number of Type 3 Project Plan submissions completed triage within 7 days
Total number of all project submissions completed triage within 7 days
Average Triage Time
Project Submissions Completed
Total number of all project submittals completed
Percent of submissions completed on time (45 days or less for TIS) (30 days or less for Plans)
Average Traffic Impact Study (TIS) processing time per submittal
Average Plan Review processing time per submittal



- **Project Turnaround Reports will Track Hold Reasons.** In each Project Turn-Around Report, issued by the Access Management Division for all submittals, SHA will begin reporting a reason whenever a submittal package is put on hold. To ensure these data are accurate, SHA is making small changes to how it defines when a hold ends and begins, when a submittal package is received, and when SHA responds to the developer.
- As a follow up item, SHA will also begin to include in the Project Turn-Around Reports each project's respective engineer and developer. SHA was asked in the follow-up memo whether it can begin to track delay reasons as well, explaining each delay (>45 days for TIS's or >30 days for plan reviews).

Submittal Package Name	Date Package Received	Start On Hold	Stop On Hold	Response Sent	Total Days @ SHA	Total Days On Hold	Hold Reason
Plan Review	4/4/2012	4/16/2012	4/30/2012	4/24/2012	20	14	

- **Upcoming Meeting with Prince George's County's Office of Permitting, Inspections, and Enforcement.** SHA reported on an upcoming meeting between the Access Management Division and staff from Prince George's County's Office of Permitting, Inspections, and Enforcement. SHA is planning to provide the County with additional guidance on its role in the access permit issuance process, versus SHA's role. As a follow up item SHA was asked to report on the outcomes of the meeting, and whether afterwards the County has outstanding questions.
- **SHA Reorganizing Personnel in Access Management Division and Office of Highway Safety to Facilitate Access Permit Issuance.** In Administrator Peters' February 27<sup>th</sup> memo on improvements to SHA's access permit issuance process, she detailed changes to the organizational and outreach structure of the Access Management Division (AMD) and Office of Highway Development (OHD). The most significant change is that "front line regional engineers ... [will] function specifically as the single point of contact for the region for which they are responsible." SHA made this change because it sees the front line engineers as the best means for effective communication and customer service to developers and applicants. SHA provided updated organizational charts for AMD and OHD. A summary of organization changes to AMD and OHD are shown in the table below.

Organizational Changes to Access Management Division and Office of Highway Development	
• <b>Finished Interviews for Assistant Division Chief for AMD.</b> SHA reports this position has been open since November. Interviews concluded in mid-February.	
• <b>Additional Customer Service Training for Regional Engineers.</b> Part of the training will be on the new data collection required for the expanded StateStat data reporting. With their new key role, Regional Engineers will be trained on "...working proactively with developers to resolve issues and get submittals complete."	
• <b>Former Coordinator for Regional Engineers being Reassigned to AMD.</b> After moving from AMD to another position within SHA, the agency has decided to return Brian Romanoski to his former position. SHA reports that "[h]e understands the	



process and issues we see on submittals so his leadership can support education and customer service.”
<ul style="list-style-type: none"> <li>• <b>OHD Hires Deputy Director for Permits and Utilities.</b> Deputy Director Scott Pomento will be responsible for coordination of permit issuance with MDE, utility companies, and access permits.</li> </ul>
<ul style="list-style-type: none"> <li>• SHA Administrator Peters is meeting with Deputy Administrators weekly to discuss reports and issues with the permit issuance process.</li> </ul>
<ul style="list-style-type: none"> <li>• District Engineers will begin to receive reports on all projects within their jurisdiction, each month.</li> </ul>

- **SHA Clarified that no Counties Allow Parallel Tracking for Access Permits and Right of Way.** The agency was asked to explain at the previous stat which counties allow parallel tracking for applications of access permits and right of way, and which do not. Contrary to what was reported at the previous stat, SHA has clarified that the process for a developer proposing roadway improvements within the right of way and/or when additional right of way is required for improvements is consistent throughout the state in all 23 counties. SHA’s Access Manual provides guidance concerning developer obligations for right of way, shown in the table below. SHA’s full response on developer guidelines for obtaining the right-of-way and access permits is included in the agency’s February follow-up response memo, in which SHA reports that “[a]s a condition of all access permits, the roadway and access improvements are to be complete prior to the site generating traffic that requires the improvements.” Developers cannot apply for access permits before the right of way is obtained.

<b>SHA Access Manual: Guidelines on Right of Way, Property Rights, and Access Permits</b>
<ul style="list-style-type: none"> <li>• <b>Right-of-Way Dedication:</b> When right-of-way dedication for future highway needs is required by the local subdivision and/or development approving authority, the dedication shall be recorded on the approved subdivision plat and/or site plan. The plats and property description must be approved by SHA <b>prior to issuance of the permit</b> (emphasis added).</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Conveyance of Property Rights:</b> All State highway improvements must be located within existing State right-of-way or new right-of-way conveyed by deed to the State. In addition, all perpetual drainage easement and revertible slope easement required in connection with the access improvements shall be conveyed by deed to the State. The deed, description, plats, and appropriate title documentation must be approved by SHA and evidence of the deed recordation shall be <b>provided prior to issuance of the Access Permit</b> (emphasis added).</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Temporary Impacts to Adjacent Property:</b> Impacts to adjacent properties necessary to accommodate the proposed design shall be the responsibility of the permitted. Where significant impacts are involved, SHA may require the applicant to furnish letters from the affected property owners and/or copies of any formal easements that have been granted, <b>prior to issuance of the Access Permit</b> (emphasis added).</li> </ul>